

RULES OF THE
UNITED STATES COURT
OF INTERNATIONAL TRADE

GOVERNING COMPLAINTS OF JUDICIAL
MISCONDUCT [ØR] **AND** DISABILITY

EFFECTIVE: Aug. 1, 1987, revised, April 8, 1992, eff. June 1, 1992; Aug. 29, 2000, eff. Jan. 1, 2001; _____, **eff.** _____, **2007**.

RULES OF THE UNITED STATES COURT OF INTERNATIONAL TRADE GOVERNING COMPLAINTS OF JUDICIAL MISCONDUCT AND DISABILITY

Preface to the Rules

Section [372(e)] **351(a)** of Title 28 of the United States Code provides a way for any person to complain about a federal judge who the person believes "has engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts" or "is unable to discharge all the duties of office by reason of mental or physical disability." ~~[It also]~~ **Section 363 of Title 28 of the United States Code** permits the court to adopt rules for the consideration of these complaints. These rules have been adopted under that authority.

Complaints are filed with the clerk of the court on a form that has been developed for that purpose. Each complaint is referred first to the chief judge of the court, who decides whether the complaint raises an issue that should be investigated. (If the complaint is about the chief judge, another judge will make this decision; see Rule 18(f)).

The chief judge will dismiss a complaint if it does not properly raise a problem that is appropriate for consideration under Section [372(e)] **351(a)**. The chief judge also may conclude the complaint proceeding if the problem has been corrected or if intervening events have made action on the complaint unnecessary. If the complaint is not disposed of in either of these two ways, the chief judge will appoint a special committee to investigate the complaint. The special committee makes its report to the court, which decides what action, if any, should be taken.

The rules provide, in some circumstances, for review of decisions of the chief judge or of the court.

The language of these Rules follows closely the "Illustrative Rules Governing Complaints of Judicial Misconduct and Disability" issued by the Judicial Conference of the United States. A copy of those Illustrative Rules, with commentary may be found at the Court's Internet site -- <http://www.cit.uscourts.gov/>. The Court of International Trade has not adopted commentary to its Rules.

Chapter I: Filing a Complaint

RULE 1. WHEN TO USE THE COMPLAINT PROCEDURE

(a) Purpose of the procedure. * * *

(b) What may be complained about. * * *

(c) Who may be complained about. The complaint procedure and these rules apply to judges of the United States Court of International Trade.

Complaints about other officials of federal courts should be made to their supervisors in the various courts. If such a complaint cannot be satisfactorily resolved at lower levels, it may be referred to the chief judge of the court in which the official is employed. The clerk of the court, whose address is One Federal Plaza - **Room 597**, New York, New York 10278-0001, is sometimes able to provide assistance in resolving such complaints.

(d) Time for filing complaints. * * *

(e) Limitations on use of the procedure. The complaint procedure is not intended to provide a means of obtaining review of a judge's decision or ruling in a case. The court, acting under the complaint procedure, does not have the power to change a decision or ruling. **Only a court can do that.**

The complaint procedure may not be used to have a judge disqualified from sitting on a particular case. A motion for disqualification should be made in the case.

Also, the complaint procedure may not be used to force a ruling on a particular motion or other matter that has been before the judge too long. A petition for mandamus can sometimes be used for that purpose.

(f) Abuse of the complaint procedure. A complainant who has filed vexatious, repetitive, harassing or frivolous complaints, or has otherwise abused the complaint procedure, may be restricted from filing further complaints. After affording the offending complainant an opportunity to show cause in writing why his or her ability to file further complaints should not be limited, the court may restrict or impose conditions upon the complainant's use of the complaint procedure. Upon written request of the complainant, the court may revise or withdraw any restrictions or conditions imposed.

RULE 2. HOW TO FILE A COMPLAINT

(a) Form. * * *

(b) Statement of facts. A statement should be attached to the complaint form, setting forth with particularity the facts that the claim of misconduct or disability is based on. The statement should not be longer than five pages (five sides), and the paper size should not be larger than the paper the form is printed on. Normally, the statement of facts will include[=]:

- (1) ~~[A]~~**a** statement of what occurred;
- (2) ~~[F]~~**the** time and place of the occurrence or occurrences; and
- (3) ~~[Any]~~ **any** other information that would assist an investigator in checking the facts, such as the presence of a court reporter or other witness and their names and addresses.

(c) Legibility. * * *

(d) Submission of documents. * * *

(e) Number of copies. * * *

(f) Signature and oath. * * *

(g) Anonymous complaints. Anonymous complaints are not handled under these rules. However, anonymous complaints received by the clerk will be forwarded to the chief judge of the court for such action as the chief judge considers appropriate. See ~~[Rule]~~**Rules 2(j) and 20.**

(h) Where to file. Complaints should be sent to

Clerk, United States Court of International Trade
One Federal Plaza - **Room 597**
New York, New York 10278-0001

The envelope should be marked "Complaint of Misconduct" or "Complaint of Disability." The name of the judge complained about should not appear on the envelope.

(i) No fee required. * * *

(j) Chief judge's authority to initiate complaint. In the interest of effective and expeditious administration of the business of the courts and on the basis of information available to the chief judge of the court, the chief judge may, by written order stating reasons therefor, identify a complaint as authorized by 28 U.S.C. § ~~372(c)(1)~~**351(b)** and thereby dispense with the filing of a written complaint. A chief judge who has identified a complaint under this rule will not be considered a complainant and, subject to the second sentence of Rule 18(a), will perform all functions assigned to the chief judge under these rules for the determination of complaints filed by a complainant.

RULE 3. ACTION BY CLERK OF COURT UPON RECEIPT OF A COMPLAINT

(a) Receipt of complaint in proper form. * * *

(b) Receipt of complaint about official other than a judge of the court. * * *

(c) Receipt of complaint about a judge of the court and another official. * * *

(d) Receipt of complaint not in proper form. * * *

Chapter II: Review of a Complaint by the Chief Judge

RULE 4. REVIEW BY THE CHIEF JUDGE

(a) Purpose of chief judge's review. * * *

(b) Inquiry by chief judge. * * *

(c) Dismissal. A complaint will be dismissed if the chief judge concludes--

(1) that the claimed conduct, even if the claim is true, is not "conduct prejudicial to the effective and expeditious administration of the business of the courts" and does not indicate a mental or physical disability resulting in inability to discharge the duties of office;

(2) that the complaint is directly related to the merits of a decision or procedural ruling;

(3) that the complaint is frivolous, a term that includes making charges that are wholly unsupported **or alleging facts that are shown by a limited inquiry pursuant to Rule 4(b) to be either plainly untrue or incapable of being established by investigation**; or

(4) that, under the statute, the complaint is otherwise not appropriate for consideration.

(d) Corrective action. * * *

(e) Appointment of special committee. * * *

(f) Notice of chief judge's action. * * *

(g) Public availability of chief judge's decision. * * *

(h) Report to the court. * * *

(i) Allegations of criminal conduct. If the chief judge dismisses, solely for lack of jurisdiction under 28 U.S.C. § 352(b), non-frivolous allegations of criminal conduct by a judge, the chief judge's order of dismissal shall inform the complainant that the dismissal does not prevent the complainant from bringing any allegation of criminal conduct to the attention of appropriate federal or state criminal authorities. If, in this situation, the allegations of criminal conduct were originally referred to the court by a Congressional committee or member of Congress, the chief judge – if no petition for review of the dismissal is filed within the thirty-day period specified by Rule 6(a) – shall notify the Congressional committee or member that the Judiciary has concluded that it lacks jurisdiction under § 351(a).

Chapter III: Review of Chief Judge's Disposition of a Complaint

RULE 5. PETITION FOR REVIEW OF CHIEF JUDGE'S DISPOSITION

* * *

RULE 6. HOW TO PETITION FOR REVIEW OF A DISPOSITION BY THE CHIEF JUDGE

(a) Time. * * *

(b) Form. * * *

(c) Legibility. * * *

(d) Number of copies. * * *

(e) Statement of grounds for petition. The letter should set forth a [brief] **brief** statement of the reasons why the petitioner believes that the chief judge should not have dismissed the complaint or concluded the proceeding. It should not repeat the complaint; the complaint will be available to members of the court considering the petition.

(f) Signature. * * *

(g) Where to file.

Clerk, United States Court of International Trade
One Federal Plaza - **Room 597**
New York, New York 10278-0001

The envelope should be marked "Misconduct Petition" or "Disability Petition." The name of the judge complained about should not appear on the envelope. (h) No fee required. * * *

RULE 7. ACTION BY CLERK OF COURT UPON RECEIPT OF A PETITION FOR REVIEW

(a) Receipt of timely petition in proper form. * * *

(b) Receipt of untimely petition. * * *

(c) Receipt of timely petition not in proper form. * * *

RULE 8. REVIEW BY THE COURT OF A CHIEF JUDGE'S ORDER

(a) Mail ballot. * * *

(b) Availability of documents. * * *

(c) Vote at meeting of court. * * *

(d) Rights of judge complained about. * * *

(e) Notice of court decision. * * *

(f) Public availability of court decision. * * *

Chapter IV: Investigation and Recommendation by Special Committee

RULE 9. APPOINTMENT OF SPECIAL COMMITTEE

(a) Membership. * * *

(b) Presiding officer. * * *

(c) Provision of documents. * * *

(d) Continuing qualification of committee members. * * *

(e) Inability of committee member to complete service. * * *

RULE 10. CONDUCT OF AN INVESTIGATION

(a) Extent and methods to be determined by committee. * * *

(b) Criminal matters. In the event that the complaint alleges criminal conduct on the part of a judge, or in the event that the committee becomes aware of possible criminal conduct, the committee will consult with the appropriate prosecuting authorities to the extent permitted by 28 U.S.C. § [372(c)(14)]**360** in an effort to avoid compromising any criminal investigation. However, the committee will make its own determination about the timing of its activities, having in mind the importance of ensuring the proper administration of the business of the courts.

(c) Staff. * * *

(d) Delegation. * * *

(e) Report. * * *

(f) Voting. * * *

RULE 11. CONDUCT OF HEARINGS BY SPECIAL COMMITTEE

(a) Purpose of hearings. * * *

(b) Notice to judge complained about. * * *

- (c) Committee witnesses. * * *
- (d) Witnesses called by the judge. * * *
- (e) Witness fees. * * *
- (f) Rules of evidence; oath. * * *
- (g) Record and transcript. * * *

RULE 12. RIGHTS OF JUDGE IN INVESTIGATION

- (a) Notice. * * *
- (b) **Presentation of evidence.** The judge is entitled to a hearing, has the right to present evidence and to compel the attendance of witnesses and the production of documents at the hearing. Upon request of the judge, the chief judge or his **or her** designee will direct the clerk of the court to issue a subpoena in accordance with 28 U.S.C. § 332(d)(1).
- (c) **Presentation of argument.** * * *
- (d) **Attendance at hearings.** * * *
- (e) **Receipt of committee's report.** * * *
- (f) **Representation by counsel.** * * *

RULE 13. RIGHTS OF COMPLAINANT IN INVESTIGATION

- (a) Notice. * * *
- (b) **Opportunity to provide evidence.** * * *
- (c) **Presentation of argument.** * * *
- (d) **Representation by counsel.** * * *

Chapter V: Court Consideration of Recommendations of Special Committee

RULE 14. ACTION BY COURT

- (a) **Purpose of court consideration.** * * *
- (b) **Basis of court action.** * * *

(c) Dismissal. The court will dismiss a complaint if it concludes~~[=]~~:

- (1) that the claimed conduct, even if the claim is true, is not "conduct prejudicial to the effective and expeditious administration of the business of the courts" and does not indicate a mental or physical disability resulting in inability to discharge the duties of office;
- (2) that the complaint is directly related to the merits of a decision or procedural ruling;
- (3) that the facts on which the complaint is based have not been demonstrated; or
- (4) that, under the statute, the complaint is otherwise not appropriate for consideration.

(d) Conclusion of the proceeding on the basis of corrective action taken.

(e) Referral to Judicial Conference of the United States. The court may, in its discretion, refer a complaint to the Judicial Conference of the United States with the court's recommendations for action. It is required to refer such a complaint to the Judicial Conference of the United States if the court determines that a judge of this court may have engaged in conduct~~[=]~~:

- (1) that might constitute ground for impeachment; or
- (2) that, in the interest of justice, is not amenable to resolution by the court.

(f) Order of corrective action. If the complaint is not disposed of under paragraphs (c) through (e) of this rule, the court will take other action to assure the effective and expeditious administration of the business of the courts. Such action may include, among other measures~~[=]~~:

- (1) ~~[Censuring]~~**censuring** or reprimanding the judge, either by private communication or by public announcement;
- (2) ~~[Ordering]~~**ordering** that, for a fixed temporary period, no new cases be assigned to the judge;
- (3) ~~[Requesting]~~**requesting** the judge to retire voluntarily with the provision (if necessary) that ordinary length-of-service requirements will be waived; or
- (4) ~~[In]~~**in** the case of a judge who is eligible to retire but does not do so, certifying the disability of the judge under 28 U.S.C. § 372(b) so that an additional judge may be appointed.

(g) Combination of actions. * * *

(h) Recommendation about fees. Upon the request of a judge whose conduct is the subject of a complaint, the court may, if the complaint has been finally dismissed, recommend that the Director of the Administrative Office of the United States Courts award reimbursement, from funds appropriated to the ~~judiciary~~ **Judiciary**, for those reasonable expenses, including attorneys' fees, incurred by that judge during the investigation, which would not have been incurred but for the requirements of 28 U.S.C. § ~~372(e)~~ **351 et. seq.** and these rules.

(i) Notice of action of court. * * *

(j) Public availability of court action. * * *

(k) Allegations of criminal conduct. If the court dismisses, solely for lack of jurisdiction under 28 U.S.C. § 351(a), non-frivolous allegations of criminal conduct by a judge, the court's order of dismissal shall inform the complainant that the dismissal does not prevent the complainant from bringing any allegation of criminal conduct to the attention of appropriate federal or state criminal authorities. If, in this situation, the allegations of criminal conduct were originally referred to the court by a Congressional committee or member of Congress, the court – if no petition for review of the dismissal by the court lies under 28 U.S.C. § 357(a), or if no petition for review is filed – shall notify the Congressional committee or member that the Judiciary has concluded that it lacks jurisdiction under § 351(a).

RULE 15. PROCEDURES FOR COURT CONSIDERATION OF A SPECIAL COMMITTEE'S REPORT

(a) Rights of judge complained about. * * *

(b) Conduct of additional investigation by the court. * * *

c) Voting. * * *

Chapter VI: Miscellaneous Rules

RULE 16. CONFIDENTIALITY

(a) General rule. * * *

(b) Files. * * *

(c) Disclosure in memoranda of reasons. * * *

(d) Availability to Judicial Conference. In the event that a complaint is referred under Rule 14(e) to the Judicial Conference of the United States, the clerk will provide the Judicial Conference with copies of the report of the special committee and any other documents and records that were before the court at the time of its determination. Upon request of the Judicial

Conference or its Committee to Review Circuit Council Conduct and Disability Orders, in connection with their consideration of a referred complaint **under 28 U.S.C. § 354(b)** or a petition under 28 U.S.C. § ~~[372(c)(10)]~~ **357(a)** for review of a court order, the clerk will furnish any other records related to the investigation.

(e) Impeachment Proceedings. * * *

(f) Consent of judge complained about. Any materials from the files may be disclosed to any person upon the written consent of both the judge complained about and the chief judge of the court. ~~[The]~~ **In any disclosure, the** chief judge may require that the identity of the complainant, **or of any witnesses in an investigation conducted by a special committee or the court,** be shielded ~~[in any materials disclosed]~~.

(g) Disclosure by court in special circumstances. The court may authorize disclosure of information about the consideration of a complaint, including the papers, documents and transcripts relating to the investigation, to the extent that the court concludes that such disclosure is justified by special circumstances and is not prohibited by 28 U.S.C. § ~~[372(c)(14)]~~ **360**.

Such disclosure may be made to Judiciary researchers engaged in the study or evaluation of experience under 28 U.S.C. § 351 et. seq. and related modes of judicial discipline, but only where such study or evaluation has been specifically approved by the Judicial Conference or by the Judicial Conference Committee to Review Circuit Council Conduct and Disability Orders. The court should take appropriate steps (to the extent the Judicial Conference or its Committee has not already done so) to shield the identities of the judge complained against, the complainant, and witnesses from public disclosure, and may impose other appropriate safeguards to protect against the dissemination of confidential information.

(h) Disclosure of identity by judge complained about. * * *

(i) Assistance and consultation. Nothing in this rule precludes the chief judge or court, for purposes of acting on a complaint filed under 28 U.S.C. § 351(a) or identified by the chief judge under 28 U.S.C. § 351(b), from seeking the assistance of qualified staff, or from consulting other judges who may be helpful in the process of complaint disposition.

RULE 17. PUBLIC AVAILABILITY OF DECISIONS

(a) General rule. * * *

(b) Manner of making public. The records referred to in paragraph (a) will be made public by placing them in a publicly accessible file in the office of the clerk of the court at One Federal Plaza, New York, New York 10278-0001. The clerk will send copies of the publicly available materials to the Federal Judicial Center, ~~[1520 H Street, NW, Washington, D.C. 20005]~~ **Thurgood Marshall Federal Judiciary Building, One Columbus Circle, N.E., Washington, D.C. 20002**, where such materials also will be available for public inspection. In cases in which memoranda appear to have precedential value, the chief judge may cause them to be published.

(c) Decisions of Judicial Conference standing committee. * * *

~~[(d) Special rule for decisions of court. When the court has taken final action on the basis of a report of a special committee, and no petition for review has been filed with the Judicial Conference within thirty days of the court's action, the materials referred to in paragraph (a) will be made public in accordance with this rule as if there were no further right of review.]~~

~~[(e)]~~**(d)** Complaints referred to the Judicial Conference of the United States. If a complaint is referred to the Judicial Conference of the United States pursuant to Rule 14(e), materials relating to the complaint will be made public only as may be ordered by the Judicial Conference

RULE 18. DISQUALIFICATION

(a) Complainant. * * *

(b) Judge complained about. * * *

(c) Disqualification of chief judge on consideration of a petition for review of a chief judge's order. * * *

(d) Member of special committee not disqualified. * * *

(e) Judge under investigation. Upon appointment of a special committee, the judge complained about will automatically be disqualified from serving on (1) any special committee appointed under Rule 4(e), (2) the court as it considers the complaint, (3) the Judicial Conference of the United States and (4) the Committee to Review Circuit Council Conduct and Disability Orders of the Judicial Conference of the United States. The disqualification will continue until all proceedings regarding the complaint are finally terminated, with no further right of review. ~~[The proceedings will be deemed terminated thirty days after the final action of the court if no petition for review has at that time been filed with the Judicial Conference.]~~

(f) Substitute for disqualified chief judge. If the chief judge of the court is disqualified from participating in consideration of the complaint, the duties and responsibilities of the chief judge under these rules will be assigned to the judge of this court in regular active service who is the most senior in date of commission of those who are not disqualified. **If all judges of the court, in regular active service are disqualified, the court may determine whether to refer the complaint to a judge from another court pursuant to 28 U.S.C. § 291(a), or whether it is necessary, appropriate, and in the interest of sound judicial administration to permit the chief judge to dispose of the complaint on the merits. Members of the court who are named in the complaint may participate in this determination if necessary to obtain a quorum of the court.**

(g) Court action where multiple judges are disqualified. Notwithstanding any other provision in these rules to the contrary, a member of the court who is a subject of the complaint may participate in the disposition thereof if (a) participation by members who are subjects of the complaint is necessary to obtain a quorum of the court, and (b) the court votes that it is necessary, appropriate and in the interest of sound judicial administration that such complained-against members be eligible to act. Members of the court who are subjects of the complaint may participate in this determination if necessary to obtain a

quorum of the court. Under no circumstances, however, shall the judge who acted as chief judge of the court in ruling on the complaint under Rule 4 be permitted to participate in this determination.

RULE 19. WITHDRAWAL OF COMPLAINTS AND PETITIONS FOR REVIEW

(a) Complaint pending before chief judge. * * *

(b) Complaint pending before special committee or court. * * *

(c) Petition for review of chief judge's disposition. * * *

RULE 20. AVAILABILITY OF OTHER PROCEDURES

The availability of the complaint procedure under these rules and 28 U.S.C. § [372(e)] **351 et. seq.** will not preclude the chief judge of the court or the court from considering any information that may come to their attention suggesting that a judge has engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts or is unable to discharge all the duties of office by reason of disability.

RULE 21. AVAILABILITY OF RULES AND FORMS

These rules and copies of the complaint form prescribed by Rule 2 will be available without charge in the office of the clerk of the court, One Federal Plaza - **Room 597**, New York, New York 10278-0001.

RULE 22. EFFECTIVE DATE

These rules apply to complaints filed on or after ~~[June 1, 1992 and to all complaints pending as of that date that were filed on or after March 1, 1991]~~ _____, **2007**. The handling of complaints filed before that date will be governed by the rules previously in effect.

RULE 23. ADVISORY COMMITTEE

* * *

APPENDIX: COMPLAINT FORM

[The complaint form follows. It is to be two pages, printed on one side only.]

UNITED STATES COURT OF INTERNATIONAL TRADE COMPLAINT OF JUDICIAL MISCONDUCT OR DISABILITY

MAIL THIS FORM TO THE CLERK, UNITED STATES COURT OF INTERNATIONAL TRADE, ONE FEDERAL PLAZA - **ROOM 597**, NEW YORK, NEW YORK [10007] **10278-0001**. MARK THE ENVELOPE "JUDICIAL MISCONDUCT COMPLAINT" OR "JUDICIAL DISABILITY COMPLAINT". DO NOT PUT THE NAME OF THE JUDGE ON THE ENVELOPE.

SEE RULE 2(e) FOR THE NUMBER OF COPIES REQUIRED.

1. Complainant's name: _____

Address: _____

Daytime telephone: () _____

2. Judge complained about:

Name: _____

3. Does this complaint concern the behavior of the judge in a particular lawsuit or lawsuits?

☐ Yes ☐ No

If yes, give the following information about each lawsuit (use the reverse side if there is more than one):

Docket number: _____

Are (were) you a party or lawyer in the lawsuit?

☐ Party ☐ Lawyer ☐ Neither

If a party, give the name, address and telephone number of your lawyer:

Docket numbers of any appeals to the **U.S.** Court of Appeals for the Federal Circuit:

4. Have you filed any lawsuits against the judge?

☐ Yes ☐ No

If "yes", give the following information about each lawsuit (use the reverse side if there is more than one):

Court: _____

Docket number: _____

Present status of suit: _____

Name, address and telephone number of your lawyer:

Court to which any appeal has been taken in the foregoing suit:

Docket number of the appeal: _____

Present status of appeal: _____

5. On separate sheets of paper, not larger than the paper this form is printed on, describe the conduct or the evidence of disability that is the subject of this complaint. See Rules 2(b) and 2(d). Do not use more than 5 pages (5 sides). ~~[Most complaints do not require that much.]~~

6. You should either

(1) check the first box below and sign this form in the presence of a notary public; or

(2) check the second box and sign the form. You do not need a notary public if you check the second box.

☐ I swear (affirm) that--

☐ I declare under penalty of perjury that--

(1) I have read Rules 1 and 2 of the Rules of the United States Court of International Trade Governing Complaints of Judicial Misconduct or Disability, and

(2) The statements made in this complaint are true and correct to the best of my knowledge.

(Signature)

Executed on _____
(Date)

Sworn and subscribed
to before me _____
(Date)

(Notary Public)

My commission expires: _____

ADVISORY COMMITTEE NOTE

The Judicial Improvements Act of 2002, Public Law 107-273, which enacted new Chapter 16, "Complaints Against Judges and Judicial Discipline", 28 U.S.C. §§ 351-64, replacing 28 U.S.C. §372(c) added a new chapter to "publicize its existence and ... facilitate its use." H.R. Rep. No. 107-459, 107th Cong., 2d Sess., at 8 (May 14, 2002). 28 U.S.C. § 363 specifically authorizes the U.S. Court of International Trade (as well as the U.S. Court of Claims and U.S. Court of Appeals for the Federal Circuit) to prescribe rules "establishing procedures for the filing of complaints with respect to the conduct of any judge of such court and for the investigation and resolution of such complaints."

The proposed amendments aim to conform this Court's Rules to the "Illustrative Rules Governing Complaints of Judicial Misconduct and Disability" proposed by the Judicial Conference of the United States Committee to Review Circuit Council Conduct and Disability Orders. Minor changes to the existing Rules of this Court, such as punctuation, have been made. The Advisory Committee recommends that a link to the Illustrative Rules with accompanying commentary be added to the Court of International Trade's Website with a caveat in the Preface to the Rules noting that "The Court of International Trade has not adopted commentary to its rules." The Advisory Committee notes that this recommendation is consistent with the practice of the U.S. Court of Federal Claims, which provided the link on its website and the caveat in its Introduction to the Rules.